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BOVEJA, NAMRATA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,268

Applicant(s)

RAJ ET AL.

Examiner

NAMRATA BOVEJA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 08/15/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to communication filed on 01/22/2008.
2. Claims 1-30 are presented for examination.
3. Amendments to claims 1, 4, 9, 13, 15-17, 20, and 23-30 have been entered and considered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. *Claim 1 is rejected under 35 U.S.C. 101, because, based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claims fails to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus) nor physically transform underlying subject matter (such as an article or materials) to a different state or thing, and the steps recited in the claims can be performed mentally by a user.*

5. Claims 17-22 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap *two* different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (ex. claim 17: server comprising a memory, transceiver, and a processor), but subsequently the claims then deal with the specifics of a method (the steps) executed by the processing means (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548). *Furthermore, the language of a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed including... does not concretely recite when the logical instructions are being executed. For example, is this being done now or in the future, unless the Applicant had stated when executed instead of the execution of.*

6. Claims 23-29 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. Data structures not claimed as embodied in computer readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes.

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Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In fact, data structures as recited in claims 23-29 *"computer readable storage medium"* which per page 5 of the Applicant specification can include communication media that may typically embody data in a modulated signal such as a carrier-wave or other transport mechanism, are descriptive material per se and are not statutory, because this "signal" is neither a physical "thing" nor a statutory process, and it does not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. *While the term carrier wave signal has been removed from the claim language, it needs to be removed from the specification as well.*

Claim Rejections - 35 USC § 112

7. The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

There are two separate requirements set forth in this paragraph:

(A) the claims must set forth the subject matter that applicants regard as their invention; and

(B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, *since it is unclear if the Applicant is optimizing the content based on the bid amount or based on the estimated number of clicks on the content. Furthermore, there is*

no antecedent basis for the limitation of optimizes a plurality of separate bids, since separate bids was not previously recited, and the claim previously recited the bid. It is also unclear how the budget that is provided for placing a bid is being used in the rest of the claim, since the other limitations do not tie back to the budget. Also, per the last part of the claim, there appears to be no relationship between the bid and the estimated number of clicks, and the content is being selected on the bid amount only. Additionally, it is unclear what the Applicant means by selecting at least one predetermined method, since it is unclear what are the different methods from which this selection is being made. It is being interpreted to mean that the Applicant is claiming a method for placing at least one bid for a keyword, and this bid amount is used to determine the placement of the predetermined content in the sponsored search results. The limitation regarding optimizing based on estimated number of clicks is not being given any weight, since the claim focuses on optimizing based on a bid amount, and no relationship is shown between optimizing based on both limitations.

Appropriate correction is required.

8. Claims 4,15, 20, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, since it is unclear what the Applicant means by selecting how to place a bid by one of the methods including minimum cost for maximum acquisitions, shortest time for maximum acquisitions, time interval budget, and custom. It is interpreted to mean that maximum acquisitions would mean that the advertiser would obtain the rank of number one for his keyword, and the amount of the bid is the amount of the bid that the advertiser has to bid to achieve the rank of

number one. *The terms minimum cost for maximum acquisitions, shortest time for maximum acquisitions, time interval budget, and custom are indefinite, since the Examiner is not sure what they mean and how they are determined.*

9. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, since from independent claim 1, the limitation of providing a budget for placing a bid on a keyboard has nothing to with the rest of the claim, since the rest of the claim deals with the placing a bid on a keyword, so the limitation of "enabling at least a budget to be provided for" is not given any patentable weight. Claim 1 is interpreted to mean that a bid is placed for a keyword, and therefore, claim 6 in its entirety and the section of claim 10 pertaining to budget are not given any weight, since there is no budget in claim 1 on which these two claims depend.

10. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, since it is unclear what the Applicant means by the limitation that a time interval comprises *providing information of a time zone*. It is interpreted to mean that the selection of bid for a keyword varies with time, since the amount of the bid needed to stay ranked as number one can vary based on other competing bids that are received over time.

11. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, since it is unclear what the Applicant means by total number of clicks to bid on for each keyword over a period of time, since you can either select to bid by a total number of clicks or by an amount of time. It is interpreted that the Applicant meant either total number or clicks or by an amount of time. Furthermore, it is unclear as stated if you are bidding on each keyword or if you are bidding per

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click or if the two are the same thing. *Specifically if you bidding based on a provided budget, then based on the budget you can determine the maximum amount you can bid on per click. So, it is unclear what the Applicant means by the bid being dependent on the provided budget and the total number of clicks, since the total number of clicks would be determined based on the budget amount.* This section of the claim is interpreted to mean that you provide a keyword, text, total number of clicks to bid on, and the amount of bid to become number one for that keyword. It is interpreted to mean that a bid is determined for securing the number one position for each keyword, and the bid amount varies with time due the receipt of other competing bids for the placement of that keyword. *The limitation regarding optimizing based on estimated number of clicks is not being given any weight, since the claim focuses on optimizing based on a bid amount, and no relationship is shown between optimizing based on both limitations. Additionally, optimizing based on separate bids is unclear, since it cannot be understood by this claim language which separate bids the Applicant is referring to. For example, are there multiple bids on the same keyword or is there one bid per one keyword. Appropriate correction is required.*

12. Claims 16 and 28 are rejected under 35 U.S.C. 112, second paragraph, since the limitation of one provided keyword further comprising at least one generated keyword that is related to the one provided keyword renders the claim indefinite. It is unclear what the Applicant means by a provided keyword comprising a generated keyword that related to the provided keyword. It is interpreted to mean that a keyword can be provided or a new keyword can be

generated that is related to the first provided keyword.

13. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, *as being indefinite. The limitation regarding optimizing based on estimated number of clicks is not being given any weight, since the claim focuses on optimizing based on a bid amount, and no relationship is shown between optimizing based on both limitations. It is also unclear what the Applicant means by determining an automatic placement of at least one bid. It is interpreted to mean that a bid is placed automatically. Additionally, the limitation of providing a budget for placing a bid on a keyboard has nothing to with the rest of the claim, since the rest of the claim deals with the placing a bid on a keyword, so the limitation of "receiving a budget" is not given any patentable weight. Claim 17 is interpreted to mean that a bid is placed for a keyword. Appropriate correction is required.*

14. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server wherein advertiser data further comprises multiple versions... render the claim indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (server), but subsequently the claims then deal with the specifics of a method (the method of presenting advertising data) executed by the processing means. It is interpreted to mean that the Applicant is claiming a system in this claim, and not a method of presenting advertising data. *Furthermore, the remaining claim besides the claimed server does not recite and structural limitations that would*

normally be tied to a server, and therefore it is unclear if the Applicant is claiming a server or a method. These claims are not given any weight. Appropriate correction is required.

15. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server wherein the selected method includes minimum cost... render the claim indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (server), but subsequently the claims then deal with the specifics of a method (the method of minimum cost of acquisitions). It is interpreted to mean that the Applicant is claiming a system in this claim, and not a method of minimum cost of acquisitions. These claims are not given any weight. Appropriate correction is required.

16. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server comprising an interface application that comprises a graphical interface, render the claim indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (server), but subsequently the claims then deal with the specifics of a software application or program (interface application). It is interpreted to mean that the Applicant is claiming a system in this claim, and not a method of

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minimum cost of acquisitions. These claims are not given any weight.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-9, 14-28, and 30 are rejected under U.S.C. 103(a) as being unpatentable over Davis in view of Breen, Jr. et al (Patent Number 6,598,027 hereinafter Breen).

In reference to claims 1, 23, and 30, Davis teaches a method, apparatus, and program (i.e. carrier wave signal is interpreted to mean a program) for selecting at least one method for placing at least one bid for the keyword in the result from the sponsored search (abstract, col. 5 lines 20-34, col. 18 lines 37-65, col. 19 lines 31-58, and Figure 9); and displaying predetermined content that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the predetermined content in the result from the sponsored search (col. 10 lines 7-35, col. 17 lines 53 to col. 18 lines 3, and Figure 7).

Davis also teaches notifying the advertiser that he has been outbid (col. 14 lines 8-17) and placing of a new bid by the advertiser to achieve the rank of number one for a keyword (col. 19 lines 8-58 and Figure 9). Davis does not teach automatic placement of at least one bid. Breen teaches automatic

placement of at least one bid (col. 21 lines 29 to col. 22 lines 28 and Figures 16A and 16B). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include automatic placements of bids to enable the advertisers to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

18. In reference to claims 2 and 24, Davis teaches the method and program wherein acquiring of the placement of the predetermined content further comprises ranking of the predetermined content based in part on the value of each bid (col. 13 lines 10-25, col. 19 lines 8-58, and Figure 9).

19. In reference to claims 3, 14, and 25, Davis teaches the method and program wherein placing at least one bid further comprises at least one of placing a bid to acquire the placement of predetermined content in at least one of a lower position in the result of the sponsored search (i.e. advertiser can select the desired position), and placing a bid to acquire the placement of predetermined content in at least one of a first three positions in the result of the sponsored search (i.e. in position number one) (col. 19 lines 8-58 and Figure 9).

20. In reference to claims 4, 5, 15, 26, and 27, Davis teaches the method and program wherein the selected method includes at least one of minimum cost for maximum acquisitions (i.e. minimum cost to be ranked number one) (col. 19 lines 8-58 and Figure 9), shortest time for maximum acquisitions, time interval budget, and custom. (Note: claims 5 and 27 were not considered, since the first option of minimum cost for maximum acquisitions was selected in claim 4).

21. Claim 6 is not given any patentable weight, since it depends on claim 1,

which is interpreted to mean that a bid is placed for a keyword, and therefore, since there is no budget in claim 1 on which this claim depends.

22. In reference to claims 7, 16, and 28, Davis teaches the method and program wherein the keyword further comprises at least one of a provided keyword (i.e. advertiser provides the keyword) (col. 5 lines 18-34), and a generated keyword that is related to the provided keyword (i.e. system generates synonyms for the advertiser provided keyword) (col. 20 lines 46-65).

23. In reference to claims 8 and 9, Davis teaches the method further comprising providing information that is employed by the selected method to place at least one bid, wherein the provided information further includes at least one of a total number of acquisitions for a time interval, time interval, position in ranked list of sponsored search result (col. 19 lines 8-58 and Figure 9), fixed number of acquisitions for a time interval, start time, stop time, clicks per time interval, sub-budget for a time interval, and relevant keywords. (Note: claim 9 was not considered, since the first option of position in ranked list of sponsored search result was selected in claim 8).

24. In reference to claims 17-19, Davis teaches a server for placing advertiser data in a result from a sponsored search, comprising: a memory *and* a transceiver (note, the *remaining portion* of these claimed limitations are not given any weight, since they are referring to intended use; also note that claims 18 and 19 are not given any weight, since they pertain to a server claim and therefore details of what type of data is stored on the server are not components of the underlying server claim) (col. 7 lines 16 to col. 9 lines 41 and Figure 1). *Davis*

also teaches a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 7 lines 16 to col. 9 lines 41 and Figure 1), including: receiving a selection of at least one method for placing at least one bid for the keyword in the result from the sponsored search (i.e. advertiser selects to bid to become #1) (col. 18 lines 37 to col. 19 lines 58 and Figure 9).

Davis does not teach placing a bid automatically for one keyword based on the selected method; and displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search. Breen teaches automatic placement of at least one bid (col. 21 lines 29 to col. 22 lines 28 and Figures 16A and 16B). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include automatic placements of bids to enable the advertisers to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

25. Claim 20 is not given any patentable weight, since it depends on the underlying server claim, and it is addressing a method not a system.
26. Claims 21 and 22 are not given any patentable weight, since they depend on the underlying server claim, and these claims are addressing a program (i.e. interface) and not a system.
27. Claims 10 and 29 are rejected under U.S.C. 103(a) as being unpatentable over Davis in view of Breen and further in view of McGregor (Publication Number

US 2002/0026360 A1 hereinafter McGregor).

In reference to claims 10 and 29, Davis does not teach the method and *computer readable storage medium* further comprising providing a profile that is employed to provide at least one of the keyword, the budget, and selection of the method for bidding on the keyword.

McGregor teaches the method and program further comprising providing a profile that is employed to provide at least one of the keyword (i.e. profile comprises of and yields keywords) (page 6 paragraphs 59-61). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include providing a profile that is employed to provide at least one of the keyword to provide an additional method of generating keywords for advertisers who may not want to specify keywords on their own.

28. Claims 11-13 are rejected under U.S.C. 103(a) as being unpatentable over Davis in view of Breen and further in view of Mason et al. (Patent Number 6,401,075 hereinafter Mason).

In reference to claims 11 and 12, Davis teaches the method further comprising: determining multiple versions of predetermined content that corresponds to the keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7); alternating between each version of predetermined content placed in the result for the sponsored search (i.e. higher ranked listings are displayed first and the ranks can change in real time based on a bid amount) (col. 17 lines 53 to col. 18 lines 36 and Figure 7); determining a number of clicks associated with each of

the multiple versions of predetermined content (i.e. recording click throughs) (col. 17 lines 63 to col. 18 lines 3).

Davis does not specifically teach selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result in the sponsored search and is based on a weighting factor. Mason teaches selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result in the sponsored search and is based on a weighting factor (col. 6 lines 36-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result and is based on a weighting factor in the sponsored search to ensure that users are provided with the most relevant results that may or may not be the highest paid results.

29. In reference to claim 13, Davis teaches a method for managing an advertising campaign for a sponsored search comprising: providing at least one keyword (col. 12 lines 49-55) and advertising text (col. 19 lines 59 to col. 20 lines 5) wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7); and

generating a bid for each keyword to achieve the rank of number one (col. 19 lines 8-58 and Figure 9).

Davis does not teach providing a total number of clicks *over a period of time* to be bid on for each *provided* keyword; automatically generating a bid for each keyword; and selecting a method for placing each bid for each provided keyword over the period of time. Mason teaches providing a total number of clicks to be bid on for each keyword (col. 5 lines 13-15) or by a period of time (col. 5 lines 6-12); and selecting a method for placing each bid for each provided keyword over the period of time (col. 5 lines 6-12). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include providing a total number or clicks to be bid on for each keyword or by a period of time and selecting a method for placing each bid for each provided keyword over the period of time to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

Davis also does not teach automatic generation and placement of each bid. Breen teaches automatic generation and placement of at least one bid (col. 21 lines 29 to col. 22 lines 28 and Figures 16A and 16B). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include automatic generation and placements of bids to enable the advertisers to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

Response to Arguments

30. After careful review of Applicant's remarks/arguments filed on 01/22/2008,

the Examiner fully considered the arguments, but they are moot in view of the new ground(s) of rejection. Amendments to claims 1, 4, 9, 13, 15-17, 20, and 23-30 have been entered and considered.

31. In reference to Applicant's arguments regarding claims 17-22 that Davis does not teach optimization based on an estimated number of clicks on data in a result from a sponsored search, the Examiner would like to point out to the Applicant that this portion of the claim limitation has not been given any weight, since there is no connection in the claims between placing a bid and optimizing based on a number of clicks as explained in detail in the body of the office action above. Claims 1, 23, and 30 suffer from the same deficiency.

32. While the Applicant has attempted to amend several claims to address the 35 U.S.C. 101 and 35 U.S.C. 112 rejections, there are many substantial issues that remain unresolved and several new issues that have emerged as a result of the amendments. The claims are very difficult to understand as presented in the current form for examination. These issues have been highlighted in the office action above.

33. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/N. B./

Examiner, Art Unit 3622

/Yehdega Retta/

Primary Examiner, Art Unit 3622

Application Number**Application/Control No.**

10/671,268

Examiner

NAMRATA BOVEJA

**Applicant(s)/Patent under
Reexamination**

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